

**PATENT APPLICATION**



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Hirotake NOZAKI et al.

Group Art Unit: 2622

Application No.: 10/501,048

Examiner: R. BEMBEN

Filed: July 9, 2004

Docket No.: 120335

For: DIGITAL CAMERA

**RESPONSE TO RESTRICTION/ELECTION OF SPECIES REQUIREMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In reply to the December 31, 2007 Election of Species Requirement, Applicants provisionally elect Species 1, Figure 1, with traverse. At least claims 1-14, 16, 19, 20, 22-25, 27, 28, 34, 35, 37-39, 41-44, 50-53 read on the elected species.

However, this Election of Species Requirement is strongly traversed since it is contrary to PCT rules. For example, Article 27 of the Patent Corporation Treaty requires that: "no national law shall require compliance with requirements relating to the form or contents of the international application different from or in addition to those which are provided for in this Treaty and the regulations."

Further, PCT Rule 13 requires that claims which encompass one single general inventive concept be searched and examined in the same international application. For example, PCT Rule 13.1 states: "the international application shall relate to one invention or to a group of inventions so linked as to form a single general inventive concept."